

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
NORTHERN DIVISION**

ROXANNE JOHNSON,

Plaintiff,

V.

CORIZON LLC, et al.,

**Defendants.**

No. 2:18-CV-112 RLW

## MEMORANDUM AND ORDER

This matter is before the Court for determination of plaintiff's *in forma pauperis* status and collection of plaintiff's appellate filing fee, as directed by the United States Court of Appeals for the Eighth Circuit. ECF No. 37. On September 15, 2020, the Court ordered plaintiff to submit either the full filing fee or a motion to proceed *in forma pauperis* on appeal, along with a prison account statement as required by 28 U.S.C. § 1915(a)(2). ECF No. 38. Plaintiff filed a motion to proceed *in forma pauperis*, with attached inmate account statement, on September 23, 2020. ECF No. 40.

Pursuant to 28 U.S.C. § 1915(b)(1), a prisoner appealing a civil action *in forma pauperis* is required to pay the full amount of the filing fee. If the prisoner has insufficient funds in his or her prison account to pay the entire fee, the Court must assess and, when funds exist, collect an initial partial filing fee of 20% of the greater of (1) the average monthly deposits in the prisoner's account, or (2) the average monthly balance in the prisoner's account for the prior six-month period. After payment of the initial partial filing fee, the prisoner is required to make monthly payments of 20% of the preceding month's income credited to the prisoner's account. 28 U.S.C. § 1915(b)(2). The

agency having custody of the prisoner will forward these monthly payments to the Clerk of Court each time the amount in the prisoner's account exceeds \$10, until the filing fee is fully paid. *Id.*

Plaintiff has submitted an affidavit and a copy of his prison account statement for an approximate four-month period immediately preceding the submission of his notice of appeal. A review of plaintiff's account indicates an average monthly deposit of \$121. Plaintiff has insufficient funds to pay the entire filing fee. Accordingly, the Court will assess an initial partial filing fee of \$24.20, which is 20% of plaintiff's average monthly deposit.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion to proceed in forma pauperis on appeal [ECF No. 40] is **GRANTED**.

**IT IS FURTHER ORDERED** that plaintiff must pay an initial filing fee of \$24.20 within **fourteen (14) days** of the date of this Order. Plaintiff is instructed to make his remittance payable to "Clerk, United States District Court," and to include upon it: (1) his name; (2) his prison registration number; (3) the case number; and (4) that the remittance is for an appellate proceeding.

**IT IS FURTHER ORDERED** that the institution having custody of plaintiff shall, whenever the amount in plaintiff's prison account exceeds \$10.00, send monthly payments that equal 20 percent of the funds credited to the account the preceding month to the United States District Court for the Eastern District of Missouri Clerk's office, pursuant to 28 U.S.C. § 1915(b)(2), until the filing fee is paid in full.

Dated this 28th day of September, 2020.

  
**RONNIE L. WHITE**  
**UNITED STATES DISTRICT JUDGE**